

Yates County Planning Board Referral Form

Referral # 2017-11
County Use Only

Date Received 02/14/2017

Revised 7/2016

Municipality and Referring Agency Town of Milo Town Board

Project Address _____ Project Tax Map # _____

Zoning District _____

Applicant (Name & MAILING) Town of Milo Town Board

137 Main St., Penn Yan, NY Email clerk@townofmilo.com

Property Owner (Name & MAILING) _____

_____ Email _____

Reason for Referral (Prox. to Cty Rd., State Rd., Muni Boundary, etc.) Within 500' of the Town of Milo

Application Type

Project Description

- Area Variance
- Use Variance
- Special Use Permit
- Site Plan
- Subdivision
- Text Amendment
- Map Amendment
- Other

Proposed Local Law in regard to new Subdivision Laws for the
Town of Milo, which would repeal and replace, in its entirety, the
present Subdivision Laws.

Supporting Documents Required (IF N/A, include explanation)

- Municipal Application
- Tax Map or Plat
- SEQR
- Site Plan *
- Variance Criteria **
- Subdivision Plat For Subdivision Referrals Only
- Other

*If Site Plan Review, Site Plan **MUST** be detailed and meet the municipal requirements.

All Variance referrals (Area/Use) **MUST include detailed justifications associated with reason/s for appeal.

Certification: *With the following signature I certify that this application provides a complete description of the proposed local action and is a complete application pursuant to NYS General Municipal Law Article 12b, Section 239-m, part c.*
Robert C. Foster, Milo Atty, Referring Official



Provision of required information is the responsibility of the referring agency. Failure to provide such information may result in a significant delay in processing.

Submit To: Yates County Planning Department, tcutler@yatescounty.org or 417 Liberty St. Suite 1093, Penn Yan, NY 14527

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of _____

Local Law No. _____ of the year 20 _____

A local law _____
(Insert Title)

Be it enacted by the _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of _____ as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

CODE OF THE TOWN OF MILO
Yates County • New York

Chapter 295
Subdivision of Land

FINAL FORM

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PART 1. GENERAL PROVISIONS.

ARTICLE I. Title, scope, purpose and authority.

§295-1. Title. This Chapter shall be known and may be cited as the Subdivision of Land Law of the Town, hereinafter referred to as "this Chapter."

§295-2. Scope. This Chapter shall govern all cluster developments, lot consolidations, lot line adjustments and subdivisions located within the Town, which are outside of the Village of Penn Yan.

§295-3. Purpose. The purpose of this Chapter is to regulate cluster developments, lot consolidations, lot line adjustments and subdivisions within the Town in order to:

- A. Protect and provide for the public health, safety and general welfare; and
- B. Guide the future growth and development in accordance with established standards and sound planning principles; and
- C. Secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue congestion of population; and
- D. Protect the character and the social and economic stability and to encourage orderly and beneficial development; and
- E. Establish reasonable procedures and standards for cluster developments, lot consolidations, lot line adjustments and subdivisions in order to further the orderly layout and use of land; and
- F. Ensure proper legal descriptions and monumenting of lands that are the subject of a cluster development, lot line adjustment and subdivision.

§295-4. Relationship to Comprehensive Plan. It is the intention of the Town that this Chapter, including any subsequent amendments hereto, shall implement the recommendations described within the Comprehensive Plan, as may be amended from time to time.

§295-5. Authority. By the authority granted by Article 2 and 3 of Municipal Home Rule Law of New York State and Article 16 of the Town Law of New York State, the Designated Approval Authority prescribed by this Chapter is authorized and empowered to approve Applications for a cluster development, lot consolidation, lot line adjustment and subdivision.

ARTICLE II. Abbreviations, acronyms and definitions.

§295-6. General.

- A. Scope. Unless otherwise expressly stated, the following abbreviations, acronyms and definitions shall, for the purpose of this Chapter, have the meanings shown in this Chapter.
- B. Interchangeability. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- C. Terms defined in other codes. Where the terms are not defined in this Chapter and are defined in local, state or federal law, such terms shall have the meanings ascribed to them as in such law.
- D. Terms not defined. Where terms are not defined by the methods authorized by this Chapter, such terms shall have the ordinarily accepted meanings such as the context applies.

§295-7. Abbreviations and acronyms.

ABBREVIATION / ACRONYM	TERM
AG	Agriculture zoning district of the Town
AHJ	Authority Having Jurisdiction
EAF	Environmental Assessment Form
KWIC	Keuka Watershed Improvement Cooperative
NOI	Notice of Intent
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYSDOT	New York State Department of Transportation
SPDES	New York State Pollutant Discharge Elimination System
SMPS	Stormwater Management Practices
SWPPP	Stormwater Pollution Prevention Plan
YCSWCD	Yates County Soil and Water Conservation District

§295-8. General definitions.

- A. AGENT – A person who shall have charge, care or control of any building, land, structure, work and/or use as owner, or agent of the owner (e.g., attorney), or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this Chapter to the same extent as if that person was the owner.
- B. APPLICANT – An owner submitting an application to permit development and/or a type of use at his/her/their lot of record in order to obtain a determination by the Designated Approval Authority.
- C. APPROVED – Acceptable to an AHJ
- D. AUTHORITY HAVING JURISDICTION (AHJ) – An agency, board, department, organization, office or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, project or a procedure.
- E. BULK REGULATIONS – Zoning ordinance restrictions to provide a combination of controls (e.g., lot size, building coverage, building height, yards, etc.) for the orderly development at a lot of record, which are aimed at providing buildings, land and/or structures with but not limited to sufficient access, air, fire protection, light and open space.
- F. CLUSTER DEVELOPMENT – This term shall bear the same meaning as “cluster development” that is defined in §278 of the Town Law of NYS.

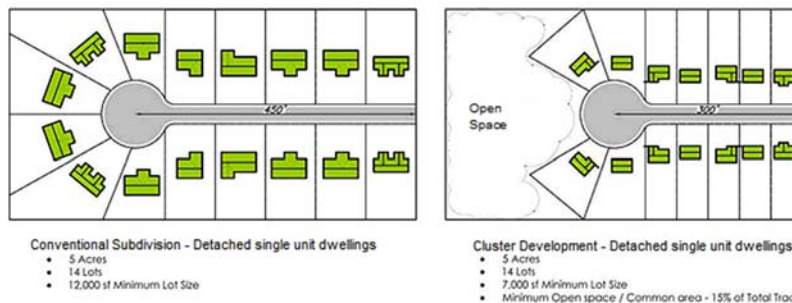


Figure 1 – Difference between a Subdivision and a Cluster Development

- G. CODE ENFORCEMENT OFFICER – The municipal officer or other authority designated by the Town Board who is charged with the administration and enforcement of this Chapter or any other applicable law.

- H. COMPREHENSIVE PLAN – The declaration of purposes and planning recommendations to help guide the development of the Town.
- I. CONTIGUOUS – Being in actual contact or touching along a boundary or at a point, except that an area of land shall not be considered contiguous solely by reason of a road or other right-of-way.

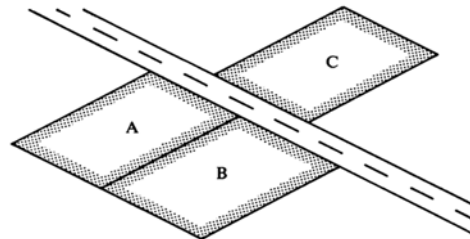


Figure 2 - Contiguous Lots
(Lot A and B are contiguous but Lot C is not contiguous to either Lot A or Lot B)

- J. COUNTY – Yates County, New York.
- K. COUNTY CLERK – The County Clerk of Yates County.
- L. DESIGNATED APPROVAL AUTHORITY – An AHJ that has been charged with the review and approval of applications as prescribed in this Chapter.
- M. ENVIRONMENTAL ASSESSMENT FORM (EAF) – A form used in the environmental review process prescribed within the New York State Environmental Quality Review Act (SEQRA) as that term is defined in Part 617 of Title 6 of New York Codes, Rules and Regulations (NYCRR).
- N. ESSENTIAL PUBLIC SERVICES – Facilities operated by governmental or quasi-governmental agencies that provide services on behalf of the public, which are critical to the health, safety, and welfare of the public. Essential public services may include but are not limited to governmental offices, parks and recreation facilities; public transit facilities; schools; gas, electric, or steam distribution systems; water and sewer services; communications systems; emergency services; fire protection services; municipal animal shelter; and law enforcement services. However, such term shall not include correctional facilities, junkyards, solid waste management and/or transfer facilities, telecommunication facilities and wastewater or water treatment plants.
- O. FINAL PLAT - This term shall bear the same meaning as “final plat” that is defined in §276 of the Town Law of NYS.
- P. IMMEDIATE FAMILY – A member of the immediate family is limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the owner of the lot of record.
- Q. IMPROVEMENT – Any structure, systems, utilities or other types of work including but not necessarily limited to roads; alleys; storm drainage systems and ditches and dikes; sanitary sewage facilities or main lines, and storm drainage containment facilities; and all other subgrade utility services such as phone, gas and water.
- R. IMPROVEMENT, PUBLIC – Any improvement that is proposed to be or is dedicated to the U.S. Federal Government, NYS or any political subdivision thereof.
- S. LAND DEVELOPMENT ACTIVITY – Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one (1) acre, or activities disturbing less than one (1) acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.
- T. LAND SURVEYOR – A land surveyor licensed to practice land surveying as defined by Article 145 of the Education Law of NYS.

- U. **LOT CONSOLIDATION** – The consolidation of two (2) or more contiguous lots of record into a single lot. All lots of record that are the subject of a lot consolidation shall have the same owner.

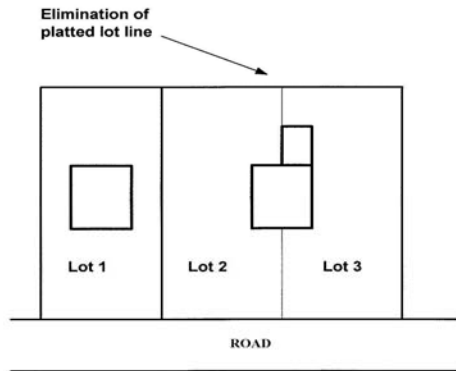


Figure 3 – Lot Consolidation

- V. **LOT LINE** – Any boundary line of a lot.
- W. **LOT LINE ADJUSTMENT** – A modification of lot lines affecting any lot of record shown on a plat in which a portion of one or more lots is added to a contiguous lot or lots without increasing the total number of lots.

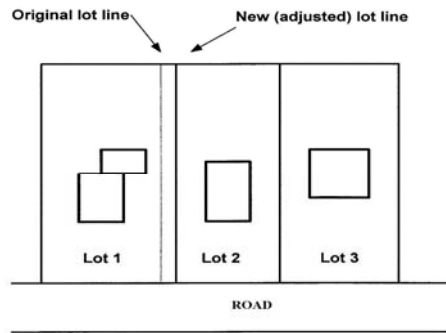


Figure 4 – Lot Line Adjustment

- X. **LOT** – An area of land having defined boundaries as illustrated on a final plat.
- Y. **LOT OF RECORD** – Lands designated as a separate lot on a plat or deed recorded or to be recorded at the Office of the County Clerk.
- Z. **NONCONFORMITY** – A lot, structure or use that does not comply with the Zoning Law.
- AA. **NOTICE OF INTENT (NOI)** – A request for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities.
- BB. **NOTICE OF VIOLATION** – An order issued by the Code Enforcement Officer pursuant to this Chapter.
- CC. **OWNER** – Any person, agent, operator, firm or business entity having a legal or equitable interest in the property as recorded in the official records of the County as holding title to the property.
- DD. **PARCEL** – Any area of land established by a final plat or as otherwise permitted by law regardless of whether it is defined as a lot or whether it is to be developed or built upon as a unit.
- EE. **PERSON** – A natural person, heirs, executors, administrators or assigns, and includes a firm or business entity, its or their successors or assigns, or the agent of any of the aforesaid.

- FF. PLANNING BOARD – The Planning Board of the Town.
- GG. PROFESSIONAL ENGINEER – An engineer licensed to practice professional engineering as defined by statutory requirements of the Education Law of NYS.
- HH. RAILROAD/RAILWAY COMPANY – An entity that operates a railroad track and/or trains. It can either be a private or a public company.
- II. REALTY SUBDIVISION – The division of any lot of record into five (5) or more lots, including any remainder of the lot of record, where each lot has a lot area of five (5) acres or less as defined by §1115 of the Public Health Law of NYS and §17-1501 of the Environmental Conservation Law of NYS. If such division is classified as a realty subdivision, it shall be subject to the applicable regulations of Article 11, Title II of the Public Health Law of NYS as well as Article 17, Title 15 of the Environmental Conservation Law of NYS.
- JJ. REGISTERED DESIGN PROFESSIONAL – An architect or engineer registered or licensed to practice professional architecture or engineering as defined by statutory requirements of the professional registration laws of NYS.
- KK. RESERVE STRIP – A strip of land not dedicated to public use that is located between a lot and a public right-of-way that prevents access to such right-of-way.
- LL. ROAD – A public or private way for vehicular traffic and/or affords the primary means of access by vehicles and pedestrians to abutting lots, which shall include the entire area within the right-of-way.
- MM. SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES – A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one (1) or more acres of land.
- NN. STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) – The rules, regulations and procedures set forth in Part 617 of Title 6 of NYCRR, which implements Article 8 of the Environmental Conservation Law of NYS, where such state law establishes the requirement for environmental review of actions approved, funded or directly undertaken by state or local government.
- OO. STORMWATER MANAGEMENT PRACTICES (SMPS) – Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.
- PP. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) – A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.
- QQ. SUBDIVISION – The division of any lot of record into two or more lots, including any remainder of the existing lot of record, with or without roads. Lastly, the following action(s) shall not be considered a subdivision:
1. Divisions of land created by order of a court of competent jurisdiction.
 2. Divisions of land that is created by the sale or other disposition of land to the U.S. Federal Government, NYS or any political subdivision thereof.
 3. Divisions of land for the public acquisition of strips of land for a road or essential public services, including its associated right-of-ways.
 4. Divisions of land for the acquisition of strips of land by a railroad/railway company for a railroad right-of-way.
 5. Formation of campsites that are located within a campground as prescribed by the Zoning Law.

6. Formation of burial plots that are located within a cemetery as prescribed by the Zoning Law.
7. Formation of manufactured housing community sites that are located within a manufactured housing community as prescribed by the Zoning Law.
8. Formation of a type of ownership such as but not limited to a condominium, cooperative (a.k.a., co-op), homeowners' association or other type of ownership as prescribed by law.
9. Lot consolidation.
10. Lot line adjustment.
11. Purchase of rights to gas, oil, mineral, water or other types of underground natural resources that are severed from the surface ownership of the land.



Figure 5 – Subdivision

- RR. TOWN – The Town of Milo, New York.
- SS. TOWN ASSESSOR – The Town Assessor of the Town.
- TT. TOWN ATTORNEY – The Town Attorney of the Town.
- UU. TOWN BOARD – The Town Board of the Town.
- VV. TOWN CLERK – The Town Clerk of the Town.
- WW. TOWN ENGINEER – The Town Engineer of the Town.
- XX. TOWN SUPERVISOR – The Town Supervisor of the Town.
- YY. ZONING BOARD OF APPEALS – The Zoning Board of Appeals of the Town.
- ZZ. ZONING LAW – The Zoning Law of the Town, as currently in affect and amended from time to time.

PART 2. GENERAL PROHIBITION.

ARTICLE III. Compliance required.

§295-9. Compliance required.

- A. General. No owner of a lot of record shall file, record and/or submit a final plat establishing a cluster development, lot consolidation, lot line adjustment and/or subdivision at the Office of the County Clerk without first obtaining approval from the Designated Approval Authority as prescribed within the applicable provisions of this Chapter.
- B. Actions exempt from approval. Exemptions from approval by the Designated Approval Authority as prescribed in this Chapter shall not be deemed to grant authorization for any actions to be executed in any manner in violation of any applicable provision of law.

§295-10. Building Permits or Certificates of Completion and/or Occupancy. No Building Permit or Certificates of Completion and/or Occupancy shall be issued for any parcel or plat of land created by a cluster development, lot consolidation, lot line adjustment and/or subdivision after the effective date of and not in conformity with the applicable provisions of this Chapter.

§295-11. Preliminary meeting. Any person is encouraged to meet with the Code Enforcement Officer prior to the submission of an application for a cluster development, lot consolidation, lot line adjustment and/or subdivision. Said meeting may be used to expedite the review process by allowing said person to be advised of applicable requirements and/or regulations such as but not limited to:

- A. The application requirements of this Chapter.
- B. Any applicable regulations of the Code of the Town such as but not limited to the Zoning Law.
- C. The requirements and classification of the type of action as prescribed in SEQRA.
- D. The possible involvement of other government agencies in the review process.

PART 3. APPLICATION REQUIREMENTS.

ARTICLE IV. Cluster development.

§295-12. Purpose. It is the purpose of this Article to permit a cluster development in order to:

- A. Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;
- B. Protect environmentally sensitive areas of a development site and preserve on a permanent basis open space, natural features, and farm operations;
- C. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sanitary sewer lines, need to be extended; and
- D. Provide opportunities for social interaction and active and/or passive recreational activities in open space areas.

§295-13. Applicability. A cluster development shall be permitted as of right at all zoning districts.

§295-14. Specific definitions.

- A. CLUSTER GROUP – A single group of residential uses within a cluster development.



Figure 6 – Example of a Cluster Group

- B. LANDSCAPING PLAN – A plan that is signed and sealed by a registered design professional on which all of the following are shown:
 - 1. Proposed landscaping species such as but not limited to number, spacing, size at the time of planting, and planting details.
 - 2. Proposals for protection of existing vegetation during and after construction.
 - 3. Proposed hard and soft landscaping.
 - 4. Proposed decorative features.
 - 5. Existing and proposed grade elevations.
 - 6. Buffers and screening devices.

7. Any other information that can be reasonably be required for an informed determination by the Designated Approval Authority.



Figure 7 – Example of a Landscaping Plan

- C. OPEN SPACE – The portion of a cluster development set aside in perpetuity as open space. This area may include coastal and freshwater wetlands, floodplains or flood-hazard areas, farm operations, stream corridors, habitats of endangered wildlife as identified on applicable federal or state lists, scenic views, historical or cultural features, archaeological sites, or other elements to be protected from development, as well as easements for public utilities.

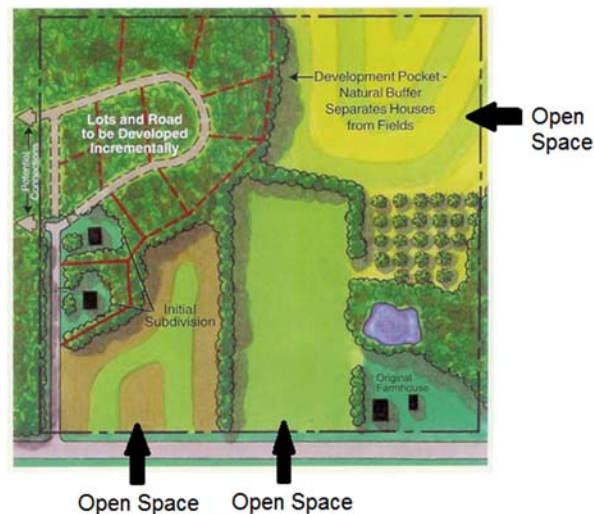


Figure 8 - Example of Open Space

- D. RECREATIONAL USE, ACTIVE – A structured individual or team activity that requires the use of special facilities, courses, fields, or equipment. Examples of active recreational uses are but are not limited to baseball, football, golf, hockey, skiing, soccer and tennis.
- E. RECREATIONAL USE, PASSIVE – Recreational activities that do not require prepared facilities like sports fields or pavilions. Passive recreational uses place minimal stress on a parcel's resources; as a result, they can provide ecosystem service benefits and are highly compatible with natural resource protection. Examples of passive recreational uses are but are not limited to bicycling, fishing, hiking, horseback riding, picnicking, swimming and wildlife photographing and viewing.
- F. SITE PLAN FOR A CLUSTER DEVELOPMENT – A site plan that is signed and sealed by a registered design professional illustrating important design elements of a cluster development such as but not limited to areas within which

structures may be located, the height and spacing of buildings, open spaces and their landscaping, off-street parking spaces, roads, driveways, potable water systems, sanitary sewer systems, stormwater control facilities and any other features required by the Designated Approval Authority. In the case of a residential uses proposed at a cluster development, the dwelling units permitted may be, at the discretion of the Designated Approval Authority, in attached, detached or multi-story structures.

- G. SKETCH PLAT – A plat illustrating a conventional, unclustered subdivision which complies with all provisions of the Zoning Law. The purpose of this sketch plat shall be to aid the Designated Approval Authority in determining the maximum density on a lot of record as prescribed in the Zoning Law.
- H. USE, RESIDENTIAL – Single and two unit dwellings and townhouses not more than three (3) stories in building height and their customarily incidental and subordinate accessory structures (e.g., decks, gazebos, storage sheds, playgrounds, etc.).

§295-15. Designated Approval Authority. The Planning Board is authorized and empowered pursuant to §278 of the Town Law of NYS to modify certain provisions of the Zoning Law as allowed by this Article, simultaneously with the approval of an application for a cluster development.

§295-16. Procedure. The Designated Approval Authority shall conform to the procedures prescribed within §278 of the Town Law of NYS as well as §239-m, §239-n and §239-nn of the General Municipal Law of NYS as it pertains to its actions on an application for a cluster development.

- A. Integration of procedures. Whenever a particular application requires multiple review(s) and approval(s), the Designated Approval Authority shall integrate, to the extent practicable and consistent with any applicable law, his, her or their review and approval process.
- B. Public hearings. The Secretary of the Planning Board is authorized to schedule any public hearing for the Designated Approval Authority.

§295-17. Application. The owner(s) shall file an application in writing on a form furnished by the Code Enforcement Officer for that purpose. An application for a cluster development shall include all of the following:

- A. A nonrefundable application fee.
- B. A completed application form.
- C. A completed environmental assessment form (EAF).
- D. A completed agricultural data statement if mandated by §283-a of the Town Law of NYS.
- E. One (1) paper original of the ownership and maintenance documents as it pertains to the open space.
- F. One (1) paper original sketch plat and ten (10) paper copies of such plat.
- G. One (1) paper original site plan and ten (10) paper copies of such plan.
- H. One (1) paper original landscaping plan and ten (10) paper copies of such plan
- I. One (1) mylar and two (2) paper original and certified final plat(s).
- J. Ten (10) paper copies of the original and certified final plat.

§295-18. Action on the application. The Code Enforcement Officer shall examine applications for a cluster development to ascertain compliance with the application requirements and applicable standards prescribed in this Chapter. If the application does not conform to the application requirements and applicable standards of this Chapter, the Code Enforcement Officer shall reject such application in

writing, stating the reasons therefor. If the Code Enforcement Officer is satisfied that the application conforms to the application requirements and applicable standards prescribed in this Chapter, the Code Enforcement Officer shall submit the application to the Designated Approval Authority and stamp the official submission date on the application.

§295-19. SEQRA. The procedure for a cluster development review and approval shall run concurrently with the SEQRA process. The Designated Approval Authority shall have the discretion to make adjustments to the time periods specified in these regulations when there is mutual agreement with the owner in order to provide reasonable time for the preparation, review, and public hearings with respect to the SEQRA review. The Designated Approval Authority shall carry out the terms and requirements of 6 NYCRR Part 617 et seq. implementing SEQRA with minimal procedural delay, shall avoid unnecessary duplication of reporting and review requirements by providing, where feasible, for combined or consolidated proceedings, and shall expedite all proceedings under SEQRA in the interest of prompt review.

§295-20. Realty subdivision.

- A. SEQRA. A realty subdivision shall be classified as a Type 1 action in accordance to Article 11, Title II of the Public Health Law of NYS as well as Article 17, Title 15 of the Environmental Conservation Law of NYS.
 - 1. Involved agencies. The NYSDEC and the NYSDOH shall be designated as an involved agency for a realty subdivision pursuant to SEQRA.
- B. Final determination. A realty subdivision shall be approved by the NYSDOH prior to the Designated Approval Authority making a final determination on such application.

§295-21. Determination criteria. The Designated Approval Authority shall review all facts and information that is the subject of an application for a cluster development to determine whether or not to approve such application. In doing so, the Designated Approval Authority shall consider all of the following criteria:

- A. The proposed cluster development will be consistent with the land use goals and objectives prescribed in the Comprehensive Plan.
- B. The proposed cluster development is in compliance with the applicable standards prescribed in this Chapter.
- C. The proposed cluster development will not overburden municipal services (e.g., fire protection, law enforcement, sanitary sewer, stormwater conveyance and water distribution and/or treatment systems, etc.).
- D. The proposed cluster development is in harmony with the orderly development of the applicable zoning district and will not have a significant adverse impact on the public health, safety or general welfare.
- E. The proposed cluster development shall not have an unmitigated significant adverse environmental impact as defined by SEQRA. Such determination shall be made by the designated lead agency as prescribed by SEQRA.

§295-22. Conditions imposed upon an approval. The Designated Approval Authority may include in an approval of an application for a cluster development such terms and conditions as such authority deems necessary or appropriate to ensure the safety or to further the purposes and intent of this Chapter or any other applicable law.

§295-23. Endorsement of approval on final plat. The following officers of the Town are authorized to endorse approval on the final plat for a cluster development:

- A. Chairperson of the Planning Board.
- B. Vice Chairperson of the Planning Board.
- C. Secretary of the Planning Board.

ARTICLE V. Lot consolidation.

§295-24. Applicability. Notwithstanding any other provision of this Chapter, this Article shall govern the requirements for a lot consolidation.

§295-25. Designated Approval Authority. The Town Assessor is authorized and empowered to approve lot consolidations.

§295-26. Application. The owner(s) shall file an application in writing on a form furnished by the Designated Approval Authority for that purpose. An application for a lot consolidation shall include all of the following:

- A. A nonrefundable application fee.
- B. A completed application form.
- C. Affidavit of Lot Consolidation.

§295-27. Affidavit of Lot Consolidation. The owner shall submit a completed Affidavit of Lot Consolidation, which such affidavit shall be incorporated into the application form furnished by the Designated Approval Authority, to affirm his/her/their understanding of the following stipulations:

- A. The owner of the subject lots of record voluntarily petitioned the Town of Milo to consolidate such lots into a single lot of record.
- B. The owner of the subject lots of record understand and agree that the consolidation of such lots conform to the standards for a lot consolidation as prescribed in the Subdivision of Land Law of the Town of Milo.
- C. The owner of the subject lots of record understand and agree that any future subdivision of the single lot of record that was created by the consolidation of such lots shall require approval of a subdivision as prescribed in the Subdivision of Land Law of the Town of Milo.
- D. The owner of the subject lots of record understand and agree that changes will be made to the assessment rolls by the Town Assessor as of the first taxable status date that follows the recording of the Affidavit of Lot Consolidation at the Office of the County Clerk.

§295-28. Action on the application. The Code Enforcement Officer shall examine applications for a lot consolidation to ascertain compliance with the application requirements and applicable standards prescribed in this Chapter. If the application does not conform to the application requirements and applicable standards of this Chapter, the Code Enforcement Officer shall reject such application in writing, stating the reasons therefor. If the Code Enforcement Officer is satisfied that the application conforms to the application requirements and applicable standards prescribed in this Chapter, the Code Enforcement Officer shall submit the application to the Designated Approval Authority and stamp the official submission date on the application.

§295-29. SEQRA. A lot consolidation shall be classified as a Type II action pursuant to §617.5(c)(19) of SEQRA. A Type II action has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review pursuant to Article 8 of the Environmental Conservation Law of NYS.

§295-30. Determination criteria. The Designated Approval Authority shall review all facts and information that is the subject of an application for a lot consolidation to determine whether or not to approve such application. In doing so, the Designated Approval Authority shall consider all of the following criteria:

- A. The proposed lot consolidation is in compliance with the applicable standards prescribed in this Chapter.

§295-31. Conditions imposed upon an approval. The Designated Approval Authority may include in an approval of an application for a lot consolidation such terms and conditions as such authority deems necessary or appropriate to ensure the safety or to further the purposes and intent of this Chapter or any other applicable law.

ARTICLE VI. Lot line adjustment.

§295-32. Applicability. Notwithstanding any other provision of this Chapter, this Article shall govern the requirements for a lot line adjustment.

§295-33. Designated Approval Authority. The Code Enforcement Officer is authorized and empowered to approve lot line adjustments.

§295-34. Application. The owner(s) shall file an application in writing on a form furnished by the Designated Approval Authority for that purpose. An application for a lot line adjustment shall include all of the following:

- A. A nonrefundable application fee.
- B. A completed application form.
- C. One (1) mylar and two (2) paper original and certified final plat(s).
- D. One (1) paper copy of the original and certified final plat.

§295-35. Action on the application. The Code Enforcement Officer shall examine applications for a lot line adjustment to ascertain compliance with the application requirements and applicable standards prescribed in this Chapter. If the application does not conform to the application requirements and applicable standards of this Chapter, the Code Enforcement Officer shall reject such application in writing, stating the reasons therefor. If the Code Enforcement Officer is satisfied that the application conforms to the application requirements and applicable standards prescribed in this Chapter, the Code Enforcement Officer stamp the official submission date on the application.

§295-36. SEQRA. A lot line adjustment shall be classified as a Type II action pursuant to §617.5(c)(19) of SEQRA. A Type II action has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review pursuant to Article 8 of the Environmental Conservation Law of NYS.

§295-37. Determination criteria. The Designated Approval Authority shall review all facts and information that is the subject of an application for a lot line adjustment to determine whether or not to approve such application. In doing so, the Designated Approval Authority shall consider all of the following criteria:

- A. The proposed lot line adjustment is in compliance with the applicable standards prescribed in this Chapter.

§295-38. Conditions imposed upon an approval. The Designated Approval Authority may include in an approval of an application for a lot line adjustment such terms and conditions as such authority deems necessary or appropriate to ensure the safety or to further the purposes and intent of this Chapter or any other applicable law.

§295-39. Endorsement of approval on final plat. The following officers of the Town are authorized to endorse approval on the final plat for a lot line adjustment:

- A. Code Enforcement Officer.

ARTICLE VII. Subdivision.

§295-40. Applicability. Notwithstanding any other provision of this Chapter, this Article shall govern the requirements for a subdivision.

§295-41. Designated Approval Authority. The Planning Board is authorized and empowered to approve subdivisions.

§295-42. Procedure. The Designated Approval Authority shall conform to the procedures prescribed within §276, §277 and §279 of the Town Law of NYS as well as §239-m, §239-n and §239-nn of the General Municipal Law of NYS as it pertains to its actions on an application for a subdivision. Moreover, the Town shall utilize a "one step" subdivision review and shall not delineate a subdivision as

either a "major" or "minor" subdivision.

- A. Integration of procedures. Whenever a particular application requires multiple review(s) and approval(s), the Designated Approval Authority shall integrate, to the extent practicable and consistent with any applicable law, his, her or their review and approval process.
- B. Public hearings. The Secretary of the Planning Board is authorized to schedule any public hearing for the Designated Approval Authority.

§295-43. Application. The owner(s) shall file an application in writing on a form furnished by the Code Enforcement Officer for that purpose. An application for a subdivision shall include all of the following:

- A. A nonrefundable application fee.
- B. A completed application form.
- C. A completed environmental assessment form (EAF).
- D. A completed agricultural data statement if mandated by §283-a of the Town Law of NYS.
- E. One (1) mylar and two (2) paper original and certified final plat(s).
- F. Ten (10) paper copies of the original and certified final plat.

§295-44. Action on the application. The Code Enforcement Officer shall examine applications for a subdivision to ascertain compliance with the application requirements and applicable standards prescribed in this Chapter. If the application does not conform to the application requirements and applicable standards of this Chapter, the Code Enforcement Officer shall reject such application in writing, stating the reasons therefor. If the Code Enforcement Officer is satisfied that the application conforms to the application requirements and applicable standards prescribed in this Chapter, the Code Enforcement Officer shall submit the application to the Designated Approval Authority and stamp the official submission date on the application.

§295-45. SEQRA. The procedure for subdivision review and approval shall run concurrently with the SEQRA process. The Designated Approval Authority shall have the discretion to make adjustments to the time periods specified in these regulations when there is mutual agreement with the owner in order to provide reasonable time for the preparation, review, and public hearings with respect to the SEQRA review. The Designated Approval Authority shall carry out the terms and requirements of 6 NYCRR Part 617 et seq. implementing SEQRA with minimal procedural delay, shall avoid unnecessary duplication of reporting and review requirements by providing, where feasible, for combined or consolidated proceedings, and shall expedite all proceedings under SEQRA in the interest of prompt review.

§295-46. Realty subdivision.

- A. SEQRA. A realty subdivision shall be classified as a Type 1 action in accordance to Article 11, Title II of the Public Health Law of NYS as well as Article 17, Title 15 of the Environmental Conservation Law of NYS.
 - 1. Involved agencies. The NYSDEC and the NYSDOH shall be designated as an involved agency for a realty subdivision pursuant to SEQRA.
- B. Final determination. A realty subdivision shall be approved by the NYSDOH prior to the Designated Approval Authority making a final determination on such application.

§295-47. Determination criteria. The Designated Approval Authority shall review all facts and information that is the subject of an application for a subdivision to determine whether or not to approve such application. In doing so, the Designated Approval Authority shall consider all of the following criteria:

- A. The proposed subdivision will be consistent with the land use goals and objectives prescribed in the Comprehensive Plan.

- B. The proposed subdivision is in compliance with the applicable standards prescribed in this Chapter.
- C. The proposed subdivision is in harmony with the orderly development of the applicable zoning district and will not have a significant adverse impact on the public health, safety or general welfare.
- D. The proposed subdivision shall not have an unmitigated significant adverse environmental impact as defined by SEQRA. Such determination shall be made by the designated lead agency as prescribed by SEQRA.

§295-48. Conditions imposed upon an approval. The Designated Approval Authority may include in an approval of an application for a subdivision such terms and conditions as such authority deems necessary or appropriate to ensure the safety or to further the purposes and intent of this Chapter or any other applicable law.

§295-49. Endorsement of approval on final plat. The following officers of the Town are authorized to endorse approval on the final plat for a subdivision:

- A. Chairperson of the Planning Board.
- B. Vice Chairperson of the Planning Board.
- C. Secretary of the Planning Board.

PART 4. FINAL PLAT AND MONUMENTS.

ARTICLE VIII. General requirements.

§295-50. General. The final plat, if required by this Chapter, shall conform to the applicable requirements of §334 of the Real Property Law of NYS as well as §276, §277, §278 and §279 of the Town Law of NYS as well as the NYS Land Surveying Practice Guidelines that is approved by the NYS Board of Engineering and Land Surveying. Such plat shall illustrate the information obtained from an actual field survey of all of the lands that are the subject of an application, giving complete descriptive data by bearings and distances, the location and type of all monuments, and referenced corners of such lands; and shall be made and certified to be true and accurate by a land surveyor.

Exemption(s):

- A. Survey of a lot of record greater than four (4) acres. The final plat does not have to illustrate all of the lands of a lot of record greater than four (4) acres, which such lot is the subject of an application. However, such plat shall illustrate the lands of such lot that are affected by the application, giving complete descriptive data and bearings and distances, the location and type of all monuments, the location and types of buildings or structures within fifty (50) feet of the lands affected by the application, and referenced corner of such lands; and shall be made and certified to be true and accurate by a land surveyor.

§295-51. Size and form.

- A. The mylar and two paper original and certified final plat(s) shall be prepared in compliance with the applicable provisions of §334 of the Real Property Law of NYS. The paper copies of the original and certified final plat(s) are permitted to be on a reduced scale but the minimum size shall be 8 ½" x 11".
- B. When more than one sheet is utilized, the following procedure is to be followed:
 1. Each sheet is to be labeled with the sheet number and the number of sheets. (Example: Sheet 1 of 3)
 2. Each sheet will have match lines indicating the position of adjoining sheets. The lines will be labeled with "MATCH LINE" and the adjoining sheet number. The ends of the match line should have perpendiculars on them so that the adjoining sheets may be properly positioned. Each sheet is to match horizontally and vertically with all adjoining sheets.
 3. A separate title sheet is required for all final plats made on more than one sheet. A location map keyed to the project area portraying the positions of each sheet shall be shown on the title sheet.
 4. Each sheet will include a separate title block and all required certifications, endorsements, notes, legends, etc.

§295-52. Information on the final plat. The information on the final plat shall be clear, legible, and sufficient in nature so when associated with the record description, the lot lines are evident without supplemental data or information. Such plat shall also depict the mathematical and physical features of a parcel of land with relation to deeds of record, lot lines, and/or other pertinent reference data based upon an actual field survey. Lastly, the final plat shall:

- A. Identify the owner or project name; and
- B. Identify the surveyor, the surveyor's address and license number; and
- C. Be affixed with the land surveyor's NYS approved seal and his/her signature; and
- D. Identify the instruments affecting title to the parcel surveyed; and
- E. Identify the north reference and/or basis of bearings; and
- F. Provide sufficient data for the mathematical closure of the lot lines depicted with the area enclosed indicated; and

- G. Clearly relate the record description calls to the parcel including deviations; and
- H. Identify record documents (i.e. mapping or other information) utilized in the establishment of the lot lines surveyed; and
- I. Reference the parcel to the local political or municipal entities and/or boundaries (i.e. county, town, village, street lines, tax map parcel numbers); and
- J. Reference a datum and a specific benchmark or reference point when elevations are shown; and
- K. Identify the scale and any conversion factor necessary; and
- L. Identify character and location of visible physical features with reference to lot lines (i.e. encroachments, easements, driveways, roads, location of structures and setbacks from lot lines, visible utilities); and
- M. Indicate date of field survey completion and date of map preparation; and
- N. Identify and describe monuments found or set on the property being surveyed; and
- O. Identify all revision dates to original map with changes clearly stated; and
- P. Reference apparent easements, rights of way and lease lines; and
- Q. Indicate applicable ties (i.e. building corners, intersections, other monuments); and
- R. Identify water rights lines (a.k.a., littoral zones) for lands contiguous to Keuka Lake or Seneca Lake.

The Designated Approval Authority may waive any of the requirements in this section in the event that the information is not applicable or necessary.

§295-53. Special markings.

- A. Mandatory markings. The following special markings shall be affixed on the final plat:
 1. CERTIFICATION OF ACCURACY. The land surveyor certifies that this final plat is accurate and was prepared in accordance with the applicable requirements of §334 of the Real Property Law of NYS as well as §276, §277, §278 and §279 of the Town Law of NYS as well as the NYS Land Surveying Practice Guidelines that is approved by the NYS Board of Engineering and Land Surveying.
 2. CERTIFICATION OF MONUMENTATION. The land surveyor certifies that monuments have been set as shown on this final plat.
 3. ENDORSEMENT OF APPROVAL. This final plat has been reviewed and is approved pursuant to the applicable provisions of the Subdivision of Land Law of the Town of Milo. Any modifications to this final plat voids said approval.

Signed this __ day of _____ (month), ____ (year).

By: _____
(Signature and Title)

- 4. IMPROVEMENTS. Approval of this final plat does not constitute acceptance by the Town of any indicated, referenced and/or stated improvements.
- B. Applicable markings. The following special markings shall be affixed on the final plat if such markings are applicable:

1. FLOODPLAIN REGULATIONS APPLY. Parcel(s) _____ (identify parcels) are subject to applicable regulations prescribed by the National Flood Insurance Program, Flood Damage Prevention Law of the Town of Milo and/or the NYS Uniform Fire Prevention and Building Code.
2. LOT LINE ADJUSTMENT. Parcel(s) _____ (identify parcels) shall be merged into parcel _____ (identify parcel.) No new lot of record is being created by this lot line adjustment.
3. WETLAND REGULATIONS APPLY. Parcel(s) _____ (identify parcels) are subject to applicable regulations prescribed by Article 24 of the Environmental Conservation Law of NYS.

§295-54. Monuments.

- A. General. Permanent monuments shall be set by a land surveyor at the boundaries at all corners and other necessary points as may be deemed necessary by the land surveyor, which such monuments shall be illustrated on the final plat. Such monuments shall be of either iron rods or pipes, or concrete.
- B. Problematic locations to set monuments. In those locations where the monuments to be placed will not be readily visible, cannot physically be set (i.e. tree in the way) or where they are in a vulnerable position and likely to be disrupted, reference marks or line markers of a permanent nature should be placed. It is often desirable to set a permanent reference mark to a corner for use as orientation in extending the survey from that corner at some future date. The bearing and distance to this point shall be clearly shown on the final plat.

PART 5. STANDARDS.

ARTICLE IX. General standards.

§295-55. General. A cluster development, lot consolidation, lot line adjustment and/or subdivision shall be of such character that it can be developed without danger to public health or safety; the final plat shall be in harmony with the Comprehensive Plan; and all improvements, whether private or public, shall be constructed and installed in conformance with the specifications of the AHJ.

§295-56. Compliance with the Code of the Town. A cluster development, lot consolidation, lot line adjustment and/or subdivision shall comply with any applicable provision of the Code of the Town (e.g., Flood Damage Prevention Law, Highways and Private Roads Law, Waste Management Law, Water Law, Zoning Law, etc.).

§295-57. Public improvements. The creation of, extension of or the modification to a public improvement that is proposed in an application for a cluster development, lot consolidation, lot line adjustment or subdivision shall be approved by the AHJ (e.g., Town Board, County, NYSDOT, etc.) prior to the Designated Approval Authority making any determination on such application.

§295-58. SPDES General Permit for Stormwater Discharges from Construction Activities.

- A. When required. An owner submitting an application for a cluster development, lot consolidation, lot line adjustment or a subdivision, where the total anticipated land disturbance is greater than one (1) acre, is not required to obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities provided such application satisfies all of the following conditions:
1. The individual lots are for single unit dwellings only; and
 2. The total anticipated land disturbance for the subdivision is less than five (5) acres; and
 3. The cluster development, lot consolidation, lot line adjustment or subdivision does not require the construction of roads or common driveways; and
 4. The cluster development, lot consolidation, lot line adjustment or subdivision does not require municipal sewer and/or water system extensions as part of their local approval; and
 5. The cluster development, lot consolidation, lot line adjustment or subdivision will not connect to an existing subsurface storm sewer system; and
 6. The owner is not required, as part of their cluster development, lot consolidation, lot line adjustment or subdivision approval at the local level, to prepare engineering plans showing the individual lot layout (e.g. house, drive, septic system, water supply, etc.) on the final plat.
- B. SWPPP and NOI. If an application for a cluster development, lot consolidation, lot line adjustment or subdivision requires coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities, the owner shall include in such application a SWPPP, which shall conform to the applicable SMPS that are approved by the NYSDEC, and a NOI issued by the NYSDEC.

§295-59. Self-imposed restrictions. Nothing in this Chapter shall prohibit an owner from placing self-imposed restrictions that are not in violation of the law. Such restrictions, however, shall be indicated on the final plat.

ARTICLE X. Standards for a cluster development.

§295-60. General standards. A cluster development shall comply with the general standards prescribed in this Chapter except as permitted otherwise by this Article.

§295-61. Permissible deviations from the Zoning Law. The Designated Approval Authority may approve an application for a cluster

development that includes the following deviations from the Zoning Law for any one of the following purposes:

- A. To permit any type of residential use to encourage creative and flexible site design, promote cost savings in infrastructure installation and maintenance but also to help preserve open space.
- B. To eliminate side and rear yard requirements to allow for innovative attached housing types (e.g., townhouses).
- C. To reduce front and/or, side and/or rear yard requirements for existing buildings and/or structures on the site of a final plat where, in unique and special circumstances, it will result in the more efficient use of land.
- D. To reduce frontages to allow cul-de-sacs or other innovative road types but such frontages shall not be less than seventy seven-five (75) feet.
- E. To reduce lot areas and/or, lot widths and/or, lot depths and/or lot frontages to accomplish a cluster development.
- F. Building coverage, floor area ratios, building height, and parking requirements for the applicable zoning district, which is prescribed by the Zoning Law, shall apply to the cluster development. However, the building coverage, floor area ratios and parking requirements shall be applied to the entire cluster development rather than to any individual lot to encourage creative and flexible site design but also to help preserve open space.
- G. To allow more than one principal use to be located on a lot to allow for innovative attached housing types (e.g., townhouses).

§295-62. Cluster groups.

- A. A cluster development may contain one (1) or more cluster groups.
- B. Cluster groups shall be separated by the minimum fire separation distance mandated by the Uniform Code or ten (10) feet, whichever is the most restrictive dimension shall govern.
- C. No cluster group shall contain more than twenty (20) dwelling units.
- D. A cluster group shall abut an open space.
- E. A cluster group shall be designed to prevent a monotonous exterior appearance by adding variations in the building's architecture.



Figure 9 – Example a Cluster Group

§295-63. Open space. The area, configuration, location, ownership, use and maintenance of open spaces created by a cluster development shall be subject to review and approval of the Designated Approval Authority.

- A. Allowable uses. Open space may be used for any of the following:
 - 1. Conservation of land in its natural state.

2. Easements for drainage, access, public sewer or water lines, or other public purposes.
 3. Farm operations that shall include any associated agricultural support buildings (e.g., dairy barns, hay barns, milk parlor, silos, etc.).
 4. Recreational uses, whether active or passive in nature.
 5. Stormwater management facilities and wastewater disposal systems located on soils particularly suited to such uses.
 6. Any other uses allowed by the Designated Approval Authority.
- B. Minimum area. The area of the open space shall not be less than twenty (20) percent of the total area of the cluster development.
- C. Protection of open space. If open space is not dedicated to the Town, County, NYS or federal government, it shall be protected by legal arrangements, satisfactory to the Town Attorney, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Town Board; and any other specifications deemed necessary by the Town Attorney.

§295-64. Determination of overall density. An application for a cluster development shall include the submission of a sketch plat showing a conventional, un-clustered subdivision which complies with all applicable provisions of the Zoning Law. The purpose of this sketch plat shall be to aid the Designated Approval Authority in determining the maximum number of dwelling units and/or lots permissible at a proposed cluster development as allowed by the Zoning Law. The Designated Approval Authority shall make the determination of the maximum permissible number of dwelling units and/or lots permissible at a proposed cluster development as allowed by the Zoning Law. Lastly, any increase in such number of dwelling units and/or lots shall require an area variance to be granted by the Designated Approval Authority as prescribed by the Zoning Law.

§295-65. Lots shall be wholly located in the Town. Lots, whether created or existing, that are the subject of an application for a cluster development shall be located wholly in the Town unless permitted otherwise by the Town Attorney.

§295-66. Onsite wastewater treatment and water supply facilities. A cluster development that contains onsite wastewater treatment and/or water supply facilities shall include a certification by a Professional Engineer that such development is in compliance with applicable local, state and/or federal laws as it pertains to onsite wastewater treatment and water supply facilities.

§295-67. Uses. Residential uses, whether accessory or principal in nature, that are permitted in the applicable zoning district shall be permitted in a cluster development.

§295-68. Utilities. All telephone, natural gas, electric and similar utilities serving the cluster development shall be located underground.

ARTICLE XI. Standards for a lot consolidation.

§295-69. General standards. A lot consolidation shall comply with the general standards prescribed in this Chapter except as permitted otherwise by this Article.

§295-70. Lots shall be contiguous. Lots of record proposed to be consolidated shall be contiguous to each other.

§295-71. Lots shall be wholly located in the Town. Lots of record proposed to be consolidated shall be located wholly in the Town unless permitted otherwise by the Town Attorney.

§295-72. NYS certified agricultural district. Lots of record located within a NYS certified agricultural district cannot be consolidated with

lots of record that are not located within a NYS certified agricultural district.

§295-73. Owner. Lots of record proposed to be consolidated shall have the same owner.

§295-74. Roads. Lots of record proposed to be consolidated shall not create a new or modify an existing road.

§295-75. School district. Lots of record proposed to be consolidated shall be located in the same school district.

ARTICLE XII. Standards for a lot line adjustment.

§295-76. General standards. A lot line adjustment shall comply with the general standards prescribed in this Chapter except as permitted otherwise by this Article.

§295-77. Impact on a nonconformity. A lot line adjustment shall not create a violation of the Zoning Law or increase a nonconformity at the lots of record proposed to be adjusted. However, a lot line adjustment is permitted to decrease an existing nonconformity at the lots of record proposed to be adjusted.

§295-78. Lots shall be contiguous. Lots of record proposed to be adjusted shall be contiguous to each other.

§295-79. Lots shall be wholly located within the Town. Lots of record proposed to be adjusted shall be located wholly within the Town unless permitted otherwise by the Town Attorney.

§295-80. NYS certified agricultural district. Lots of record located within a NYS certified agricultural district cannot be adjusted with lots of record that are not located within a NYS certified agricultural district.

§295-81. Roads. Lots of record proposed to be adjusted shall not create a new or modify an existing road.

§295-82. School district. Lots of record proposed to be adjusted shall be located in the same school district.

ARTICLE XIII. Standards for a subdivision.

§295-83. General standards. A subdivision shall comply with the general standards prescribed in this Chapter except as permitted otherwise by this Article.

§295-84. Lots shall be wholly located within the Town. Lots, whether created or existing, that are the subject of an application for a subdivision shall be located wholly within the Town unless permitted otherwise by the Town Attorney.

PART 6. ADMINISTRATION AND ENFORCEMENT.

ARTICLE XIV. Code Enforcement Officer.

§295-85. General. The Code Enforcement Officer is hereby authorized and directed to administer and enforce the provisions of this Chapter. The Code Enforcement Officer shall have the authority to adopt policies and procedures upon approval of the Town Board in order to clarify the application of its provisions. Such policies and procedures shall be in compliance with the intent and purpose of this Chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Chapter.

§295-86. Inspections. The Code Enforcement Officer shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Enforcement Officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Town Board.

§295-87. Identification. The Code Enforcement Officer shall carry proper identification when inspecting structures or premises in the

performance of duties under this Chapter.

§295-88. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this Chapter, or whenever the Code Enforcement Officer has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Chapter, the Code Enforcement Officer is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this Chapter, provided that if such structure or premises is occupied the Code Enforcement Officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Enforcement Officer shall first make a reasonable effort to locate the Owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Enforcement Officer shall have recourse to the remedies provided by law to secure entry.

§295-89. Liability. The Code Enforcement Officer, member of the Planning Board, member of the Zoning Board of Appeals or any other employee charged with the administration and enforcement of this Chapter, while acting for the Town, in good faith and without malice in the discharge of the duties required by this Chapter or other pertinent law or ordinance, shall be defended, indemnified and saved harmless by the Town in accordance with the Defense and Indemnification Law of the Town.

§295-90. Notices and orders. The Code Enforcement Officer shall issue all necessary notices or orders to ensure compliance with this Chapter.

§295-91. Records. The Code Enforcement Officer shall keep official records of all business and activities specified in the provisions of this Chapter. Such records shall be retained in the official records for the period required for retention of public records.

ARTICLE XV. Violations.

§295-92. Violations unlawful. It shall be unlawful for any owner to undertake a cluster development, lot consolidation, lot line adjustment or subdivision in this Town in violation of any provisions of this Chapter, or fail in any manner to comply with any notice, directive or order of the Code Enforcement Officer.

§295-93. Public nuisance. Any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall be abated as such by the owner in accordance with the applicable provisions of this Chapter.

§295-94. Notice of Violation. A Notice of Violation shall be in accordance with all of the following:

- A. Be in writing.
- B. Include a description of the real estate sufficient for identification.
- C. Include a statement of the violation or violations and why the notice is being issued.
- D. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring any land into compliance with the provisions of this Chapter.
- E. Inform the owner of the right to appeal.
- F. Include a statement of the any applicable penalties and the right to file a levy in accordance with this Chapter.

§295-95. Method of service. A Notice of Violation shall be deemed to be properly served if a copy thereof is:

- A. Delivered to the owner personally;
- B. Sent by certified mail addressed to the owner at the address prescribed in the records of the Town Assessor with a return receipt requested; or
- C. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

§295-96. Compliance with notices. A Notice of Violation issued or served as provided by this Article shall be complied with by the owner, operator, occupant and other person responsible for the condition or violation to which the Notice of Violation pertains.

§295-97. Abatement of unlawful acts. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this Chapter, or any term or condition of any notice of violation, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter. In particular, but not by way of limitation, where a cluster development, lot consolidation, lot line adjustment or a subdivision is in violation of any provision of this Chapter, or any notice of violation or other order issued pursuant to this Chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the abatement the condition in violation of such provisions. No action or proceeding described in this section shall be commenced without the appropriate authorization from the Town Board.

§295-98. Prosecution of a violation. If the Notice of Violation is not complied within the period of time prescribed within such notice, the Code Enforcement Officer is authorized to request the Town Board to authorize the Town Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal of a final plat recorded at the Office of the County Clerk that is in violation of the provisions of this Chapter or of the order or direction made pursuant thereto.

§295-99. Penalties and restoration.

- A. Civil penalty. Any person who undertakes any action regulated by this Chapter, or who violates, disobeys or disregards any provision of this Chapter, shall be liable to the Town for civil penalty not to exceed three hundred dollars (\$300) per day for every such violation. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.
- B. Criminal penalty. Any violation of any part of this Chapter shall constitute a "violation" as defined in the Penal Law of NYS, and shall be punishable by a fine not to exceed two hundred fifty dollars (\$250), or fifteen (15) days' imprisonment, or both such fine and/or imprisonment. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. The criminal penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.
- C. Restoration. A court of competent jurisdiction may order or direct a violator to restore the affected land to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Code Enforcement Officer or his/her designate.

ARTICLE XVI. Fees, incurred expenses and assessment.

§295-100. Payment of fees and incurred expenses. No approvals granted pursuant to this Chapter shall be valid until all applicable fees and incurred expenses have been paid to this Town.

§295-101. Fee schedule. A fee schedule shall be established in accordance to the Chapter 87, Fees, of the Code of the Town or any successor rules, regulations or statutes. The payment of an application fee shall not relieve the owner from the payment of other fees that are prescribed by law.

§295-102. Refunds. Any payment of a fee or incurred expense to this Town is not refundable.

§295-103. Assessment. The failure of the owner to pay any fee, penalty or expense incurred by the Town in connection with the enforcement and administration of this Chapter shall result in an assessment against the land subject to any action prescribed within this Chapter and shall be levied and collected in the same manner as provided in the Town Law of NYS for the levy and collection of Town taxes or special ad valorem levies.

ARTICLE XVII. Appeal procedure.

§295-104. Application for an appeal.

- A. Code Enforcement Officer. Any person directly aggrieved by a determination, notice or order issued by the Code Enforcement Officer as it pertains to the enforcement of the provisions of this Chapter shall have the right to appeal to the Zoning Board of Appeals pursuant to the applicable provisions of the Zoning Law or any successor rules, regulations or statutes.
- B. Designated Approval Authority. Any person directly aggrieved by a determination of an application from the Designated Approval Authority shall have the right to appeal pursuant to the applicable provisions of §267-c of the Town Law of NYS.

§295-105. Stays of enforcement. Appeals of a determination, notice and/or order by the Designated Approval Authority shall stay the enforcement of the determination, notice and/or order until the appeal is heard by the authority having jurisdiction pursuant to this Article.

ARTICLE XVIII. Variance procedure.

§295-106. General. Any applicant proposing a variance to the standards prescribed in this Chapter shall have the right to apply for a variance, which shall be classified as either an area variance or use variance, pursuant to the Zoning Law or any successor rules, regulations or statutes.

- A. Stay the review process. Whenever a particular application requires a variance, the Designated Approval Authority may, at its discretion and upon agreement with the applicant, stay the review process without the necessity of disapproving the application and requiring its resubmission.

ARTICLE XIX. Repealer.

§295-107. Prior Subdivision of Land Law. This local law repeals, supersedes and replaces, in its entirety, Chapter 120 - *Subdivision Chapter*, which was adopted on March 1, 2007, of the Code of the Town of Milo, as well as any subsequent amendments thereto.

ARTICLE XX. Miscellaneous.

§295-108. Responsibility of owners.

- A. General. An owner shall be responsible for compliance with this Chapter regardless of any agreement between or among agents, buyers, developers, lessors, operators, occupants, sellers or other persons as to which party shall be responsible.
- B. Filing of the final plat. The owner shall file in the Office of the County Clerk the approved final plat as prescribed by §276 of the Town Law of NYS.

§295-109. Assistance to the Designated Approval Authority. The Designated Approval Authority, as authorized by the Town Board, shall have the authority to obtain the assistance from any Town department, agency or employee as may be deemed necessary and appropriate under the circumstances. Furthermore, the Designated Approval Authority, as authorized by the Town Board, shall have the authority to obtain the assistance from qualified consultants as may be deemed necessary and appropriate under the circumstances. The owner shall pay any expense incurred by the Town as it pertains to such assistance.

§295-110. Abandonment of a cluster development or subdivision. The owner of an approved cluster development or subdivision may abandon such development or subdivision pursuant to the applicable provisions of §560 of the Real Property Tax Law of NYS.

§295-111. Private agreements. This Chapter is not intended to annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this Chapter are more restrictive or impose

higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Chapter shall govern.

§295-112. Misrepresentation. Any approval based upon or granted in reliance upon any material misrepresentation or failure to make a material fact or circumstance known, by or on behalf of the applicant, shall be void. This section shall not be construed to affect all the other remedies available to the Town under this Chapter.

§295-113. Modification of final plat after approval. No changes, erasures, modifications, or revisions shall be made in any final plat after approval has been given by the Designated Approval Authority unless the final plat is first resubmitted to such authority and it approves any modifications. In the event that any such plat is recorded without complying with this requirement, it shall be considered null and void, and the Town may institute proceedings to have the plat stricken from the records of the Office of the County Clerk.

Exemption(s):

- A. Failure to record final plat at the Office of the County Clerk. If the applicant failed to record a final plat that was approved by the Designated Approval Authority at the Office of the County Clerk within the timeframe prescribed by law, such approval authority is permitted to endorse the final plat without requiring the filing of a new application only if no changes, erasures, modifications or revisions to such plat is proposed.

§295-114. Assessment. The failure of the owner to pay any fee, expense incurred by the Town and/or penalty in connection with the administration and enforcement of this Chapter shall be assessed against the lot of record that is subject to any action prescribed in this Chapter and shall be levied and collected in the same manner as provided in the Town Law of the NYS for the levy and collection of Town taxes or special ad valorem levies.

§295-115. Intermunicipal agreements. The Town Board may, by resolution, authorize the Supervisor of the Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this Chapter, provided that such agreement does not violate any applicable law.

ARTICLE XXI. Severability, interpretation & effective date.

§295-116. Severability. If any clause, sentence, paragraph, section or a part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or a part thereof directly involved in a controversy in which such judgment shall have been rendered.

§295-117. Interpretation.

- A. General. This local law shall be interpreted in such a way wherever possible so that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect. Whenever the requirements of this law are at variance with the requirements of other lawfully adopted rules, regulations or laws, the law with the most restrictive provisions or those imposing the more stringent standards shall govern.
- B. Figures, illustrations and/or diagrams. Figures, illustrations and/or diagrams are provided for convenience and reference only and do not define or limit the scope of any provision of this Chapter. In case of any difference of meaning or implication between the text of this Chapter and any figure, the text shall govern.

§295-118. Effective date. This Local Law shall be operative immediately and effective upon being filed with the New York State Secretary of State pursuant to §27 of the Municipal Home Rule Law of NYS.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Adoption of new Subdivision Law		
Project Location (describe, and attach a general location map): Town of Milo, Yates County, excluding the Village of Penn Yan		
Brief Description of Proposed Action (include purpose or need): The proposed action is the adoption of a new Subdivision Law for the Town of Milo. The purpose of this Local Law is to regulate cluster developments, lot consolidations, lot line adjustment and subdivisions within the Town of Milo.		
Name of Applicant/Sponsor: Town of Milo Town Board		Telephone: (315) 536-8911 E-Mail: codeofficer@townofmilo.com
Address: 137 Main St.		
City/PO: Penn Yan	State: NY	Zip Code: 14527
Project Contact (if not same as sponsor, give name and title/role): Anthony Validzic, Code Enforcement Officer of the Town of Milo		Telephone: (315) 531-8042 E-Mail: codeofficer@townofmilo.com
Address: 137 Main Street		
City/PO: Penn Yan	State: NY	Zip Code: 14527
Property Owner (if not same as sponsor): N/A		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Adoption	N/A - No Application
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yates County Planning Board - GML	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

Remediation Sites: 862001, Remediation Sites: 862007

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
N/A - No action effecting a waterbody or wetland is proposed.

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will line extension within an existing district be necessary to serve the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)
_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____

- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No

Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): Lakefront residential and tourism, water based recreation
 ii. If mix of uses, generally describe:
Agriculture is the predominant land use within the Town of Milo (+/- 82.4%) followed by residential (+/- 4.3%), undeveloped open space and outdoor recreation (+/- 6.9%), and some scattered industrial, commercial, and community facilities.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1, 670 +/-	1, 670 +/-	0
• Forested	5, 090 +/-	5, 090 +/-	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	570 +/-	570 +/-	0
• Agricultural (includes active orchards, field, greenhouse etc.)	18, 145 +/-	18, 145 +/-	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	3, 775 +/-	3, 775 +/-	0
• Wetlands (freshwater or tidal)	60 +/-	60 +/-	0
• Non-vegetated (bare rock, earth or fill)	65 +/-	65 +/-	0
• Other Describe: <u>Unclassified land uses</u>	190 +/-	190 +/-	0

c. Is the project site presently used by members of the community for public recreation? Yes No
 i. If Yes: explain: There are a number of public and private parks and other sites in the Town of Milo utilized for recreational purposes.

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
 If Yes,
 i. Identify Facilities:
Clinton Crest Manor, Penn Yan Village; several Mennonite schools within Town

e. Does the project site contain an existing dam? Yes No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
 If Yes:
 i. Has the facility been formally closed? Yes No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): N/A
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 862001, 862007
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: N/A
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): 862001, 862007
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): N/A

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ Varies feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? Estimated less than 1 %

c. Predominant soil type(s) present on project site:	Silt loams	_____	66 +/- %
	Gravelly silt loams	_____	22 +/- %
	Other	_____	12 %

d. What is the average depth to the water table on the project site? Average: Varies feet

e. Drainage status of project site soils: Well Drained: _____ 40 % of site
 Moderately Well Drained: _____ 50 % of site
 Poorly Drained _____ 10 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 75 % of site
 10-15%: _____ 10 % of site
 15% or greater: _____ 15 % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name	<u>898-451, 898-453, 898-454, 898-456, 898-451.7,...</u>	Classification	<u>C, C(T), D, C(TS), AA(TS)</u>
• Lakes or Ponds:	Name	<u>898-451.1</u>	Classification	<u>C(TS)</u>
• Wetlands:	Name	<u>Federal waters, federal waters, federal waters</u>	Approximate Size	<u>NYS Wetland (in acres: 26.0, 23.6, 20.9</u>
• Wetland No. (if regulated by DEC)		<u>KP-4, KP-3, DD-4, DD-5</u>		<u>15.1,</u>

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____
 Name - pollutants - uses: Keuka Lake - pesticides - fish consumption

i. Is the project site in a designated Floodway? N/A No specific project site involved Yes No

j. Is the project site in the 100 year Floodplain? N/A No specific project site involved Yes No

k. Is the project site in the 500 year Floodplain? N/A No specific project site involved Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No

If Yes:
 i. Name of aquifer: Principal Aquifer

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p>		
<p>Deer _____</p> <p>Various common bird species _____</p>	<p>Pheasant _____</p> <p>Raccoon _____</p>	<p>Groundhog _____</p> <p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>_____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 		
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Identified in Yates County, but not necessarily in Town of Milo: Threatened: Leedy's roseroot (<i>Rhodiola integrifolia</i> ssp. leedyi)</p>		
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>Given the nature of action - adoption of new Subdivision Law - no effects on uses/activities are anticipated</p>		
<p>E.3. Designated Public Resources On or Near Project Site</p>		
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: <u>YATE 001</u></p>		
<p>b. Are agricultural lands consisting of highly productive soils present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site? <u>17900 +/-</u></p> <p>ii. Source(s) of soil rating(s): <u>NRCS Web Soils Survey</u></p>		
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>		
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>N/A proposed action does not involve any development that may impact</i> If Yes: historical or cultural resources. i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District ii. Name: <i>Raple, Miles, House, Swartout, William, Farm, Crooked Lake Outlet Historic District, Briggs, John, House, Himrod Baptist Church, Balley, Johnathan</i> iii. Brief description of attributes on which listing is based: <i>N/A</i>
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

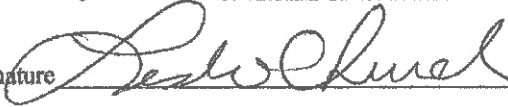
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Leslie Church Date January 17, 2017

Signature  Title Supervisor